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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,083	02/27/2004	Osamu Nagatsuka	03500.017926	4279

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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/787,083	Applicant(s) NAGATSUKA, OSAMU	
	Examiner David D. Davis	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 6-8, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita (US 2002/0172109). As per claim 1, Fujita shows in figure 2 an optical pickup device including an objective lens 103 for condensing a light beam on an optical disk; and a lens holding body 102a for holding the objective lens 103. Figure 2 of Fujita also shows a support body 102c for supporting the lens holding body 102a to allow the lens holding body 102a to move in at least one of a focusing direction and a tracking direction of the objective lens 103. Additionally shown in figure 2 is an optical base 101 capable of moving in a radial direction of the optical disk and which holds the support body 102c to allow the support body 102c to rotate around a rotation axis perpendicular to the focusing direction and the tracking direction.

As per claim 2, Fujita shows in figure 2 the support body 102c rotatably supported by at least two support points on an upper surface of the optical base 101 on an optical disk side. As per claim 4, Fujita show in figure 2 the objective lens 103 is arranged on the rotation axis connecting the support points or in the vicinity of the rotation axis. As per claim 6, Fujita shows in figures 2 and 5 the lens holding body 102a has a coil 107q firmly attached thereto for moving the objective lens 103 in at least one of the focusing direction and the tracking direction, and

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wherein the support body 102c has a magnet 108b fixed thereto for applying a magnetic field to the coil 107a.

As per claim 7, figures 2 and 5 of Fujita show the support body 102c is composed of a support member for supporting the lens holding body 102a so as to allow the lens holding body 102a to move in at least one of the focusing direction and the tracking direction of the objective lens 103; and a base member fixedly supporting the support member and the magnet. As per claim 8, figures 2 and 5 of Fujita show at least a part of the base is constituted of a yoke forming a magnetic circuit together with the magnet.

As per claim 14, Fujita shows in figures 2 and 5 at least one of the support points allows height adjustment in an optical axis direction of the objective lens 103. As per claim 15, Fujita discloses an optical disk recording-reproducing apparatus equipped with an optical pickup device.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita (US 2002//0172109) in view of JP 08-249695. Fujita discloses the claimed invention. See description, *supra*.

However, Fujita is silent as to a lens holding body situated inside an optical base and a motor and a drive member which is in contact with the support body and which converts a torque of the motor to a driving force for vertically moving a part of the support body.

JP 08-249695 shows in figures 1 and 3 a lens holding body situated inside an optical base; and a motor and a drive member which is in contact with the support body and which converts a torque of the motor to a driving force for vertically moving a part of the support body.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the lens holding body of Fujita inside an optical base as taught by JP 08-249695. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a lens holding body inside an optical base to further protect the lens holding body.

It also would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the device of Fujita with a motor and a drive member which is in contact with the support body and which converts a torque of the motor to a driving force for vertically moving a part of the support body as taught by JP 08-249695. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been

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motivated to provide a device with a motor and a drive member which is in contact with the support body and which converts a torque of the motor to a driving force for vertically moving a part of the support body because it “Offers mechanism with simple composition which simply performs quick tilt coordination within small space”, and “Provides mechanism which efficiently obtains size reduction.” See the abstract of JP 08-249695.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita (US 2002//0172109). Fujita discloses the claimed invention. See description, *supra*.

However, Fujita is silent as to a mirror and a cartridge housing the optical disk.

Official notice is taken of the fact that mirrors and cartridges in optical devices are notoriously old and well known in the optical art.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide a mirror in the optical device of Fujita as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a mirror in an optical device to effectively direct and focus the light to the optical disk.

It also would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the device of Fujita with a cartridge as taught in the art. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a device with a cartridge to protect the optical disk while recording and/or reproducing information to and/or from the disk.

Response to Arguments

6. Applicant's arguments filed February 20, 2008 have been fully considered but they are not persuasive. In the paragraph bridging pages 7 and 8, applicant asserts that the applied prior art does not have a support body rotatable with respect to the optical base. It should be noted that the support body *102c* does rotate due to the coils and the magnets as shown in figure 2.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Davis/
Primary Examiner
Art Unit 2627

ddd